IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CIVIL REVISION NO. 5996 OF 2001

DATE OF DECISION: December 13, 2006.

Parties Name

Inderjit Kaur alias Karnail Kaur

...PETITIONER

VERSUS

Surinder Kaur and others

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASBIR SINGH

PRESENT: Mr. Amit Rawal,
Advocate, for the petitioner.

Mr. Sumeet Mahajan, Advocate,

JASBIR SINGH, J. (oral)

ORDER:

This revision petition has been filed against order dated October 19, 2001, vide which permission was granted to respondent No. 3 to bring on record four documents, i.e., Will dated October 27, 1978; another Will dated October 22, 1992, general power of attorney dated October 22, 1992, allegedly executed by the petitioner, and partition deed dated August 19, 1972, entered into between the parties in the present dispute. It is an admitted fact that during pendency of this revision petition, Smt. Inderjit Kaur, the petitioner, has died. To lead secondary evidence, it was averment of respondent No. 3 that as she was alive, the officer concerned was not issuing certified copies of the Wills, allegedly executed by her, as referred to above. Due to death of Smt. Inderjit Kaur, that objection is over. Now respondent No. 3 can easily get certified copies of

the alleged registered Wills, if any, as per law. So far as other two documents are concerned, it is contention of counsel for respondent No. 3 that those are also registered documents. Naturally he can also get certified copies of those documents. Before this Court, it is apprehension of counsel for the petitioner that photo copies of the documents, referred to above, which have been placed on record before the trial Court, are forged one. This apprehension can be removed by ordering respondent No. 3 to produce, by way of secondary evidence, only certified copies of the four documents, referred to above. If any document has already been exhibited, the same shall have no effect. Respondent No. 3 is directed to produce certified copy of four documents again on record and prove the same as per law. It is made clear that any observation made by the trial Court in order dated October 19, 2001, shall have no effect on merits of the case. Petitioner/ her legal heirs will be at liberty to rebut the secondary evidence brought on record by respondent No. 3 and may raise any legal objection regarding admissibility of the same at the relevant time.

With above mentioned observations, this revision petition stands disposed of. In view of the order dated March 26, 2001, passed by this Court in Civil Revision No. 3928 of 2000, trial Court is directed to dispose of the pending suit expeditiously.

Copy of the order be given Dasti.

December 13, 2006 ( Jasbir Singh )
DKC Judge